

1                                   **WAGANAKISING ODAWAK STATUTE #**  
2                                   **APPLEYARD DAY CARE INCORPORATED STATUTE**  
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5   **SECTION I.                   PURPOSE AND TITLE**  
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7   **A.       Purpose.**       The Little Traverse Bay Bands of Odawa Indians (the “Tribe”) exercises powers  
8 of self-government over its Citizens and territory. In accordance with Article VII (D) (4), the purpose of  
9 this Statute is to govern the issuance of the Little Traverse Bay Bands of Odawa Indians charter of  
10 incorporation for economic purpose, to provide for the management of the non-gaming, economic affairs  
11 and to delegate such management to a Tribally chartered corporation in accordance with Article VII (D)  
12 (24) and regulate such tribally chartered corporation activities in accordance with Article VII (D) (4).  
13

14 **B.       Short Title.**     This Statute shall be known and cited as the “Appleyard Day Care, Inc. Statute.”  
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17 **SECTION II. DEFINITIONS**  
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19 **A.       “Non-gaming Economic Affairs”** means economic development enterprises and activities not  
20 related to the gaming commercial enterprises.  
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22 **B.       “Territorial Jurisdiction of the Little Traverse Bay Bands of Odawa Indians”** means  
23 “areas referenced in Public Law 103-324, 25 USC Section 1300k-2(b)(2)(A) as the boundaries  
24 of the reservations for the Little Traverse Bay Bands as set out in Article I, paragraphs ‘third  
25 and fourth’ of the Treaty of 1855, 11 Stat.621” Little Traverse Bay Bands Constitution, Article  
26 V(A)(1)(a).  
27

28 **C.       “Tribe” or “LTBB”** means the Little Traverse Bay Bands of Odawa Indians.  
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30 **D.       “Tribal Constitution”** means the Little Traverse Bay Bands of Odawa Indians Constitution as  
31 adopted by its membership on February 1, 2005.

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2 E. *“Tribal Council”* means the elected body of nine (9) Tribal Citizens of Little Traverse Bay Bands  
3 of Odawa Indians with duties found in the Tribal Constitution Article VII. “Tribal Council”.  
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6 **SECTION III. CREATION OF THE APPELYARD DAY CARE, INC. CORPORATE**  
7 **CHARTER**  
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9 A tribally chartered corporation is authorized by this Statute and shall be named the “Appleyard  
10 Day Care, Inc.” and shall be a for-profit entity and shall provide the service of day care for children. The  
11 organization is recognized by the approval of the tribal corporation charter; “Appleyard Day Care, Inc” by  
12 Tribal Council.  
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15 **SECTION IV. SCOPE OF ACTIVITIES**  
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17 **A.** The Appleyard Day Care, Inc. is authorized to conduct enterprise activities at the following  
18 locations for the purpose of creating revenue and providing the service of daycare for children:  
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20 **1.** 414 Monroe, Petoskey, Michigan 49770  
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22 **2.** Other such properties, enterprises or activities as designated and approved by Tribal  
23 Council.  
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25 **B.** The Appleyard Day Care, Inc. shall be assigned those assets as existed and are currently within  
26 the designated commercial sites including real property, tangible and intangible properties. Such assets  
27 shall be held by the Appleyard Day Care, Inc. on behalf of the Tribe and shall be managed to provide long  
28 term revenue for Tribal governmental programs and activities. The assets assigned in this Statute shall be  
29 independently managed by the Appleyard Day Care, Inc.  
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1     **SECTION V.                   COMPOSITION, ELIGIBILITY AND APPOINTMENT**

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3     **A.       Composition**

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5         **1.**       The Board shall consist of three (3) to five (5) persons who meet the eligibility  
6 requirements set out in subsection (B) of this section.

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8         **2.**       The Board members shall have a Chairperson and Secretary elected by the Board  
9 members, annually.

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11    **B.       Eligibility**

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13 To serve on the Board a person must meet all of the following criteria:

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15         **1.**       A person must be at least eighteen years of age;

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17         **2.**       No person can serve on the Board within seven (7) years of completion of a sentence or  
18 probation upon being convicted of a felony in tribal, state or federal court, unless such conviction  
19 has been vacated or overturned.

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21         **3.**       To be considered, a person should meet one of the following desired criteria:

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23             **i.**       Three (3) years of business or financial management experience.

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25             **ii.**     Three (3) years of childcare experience.

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28    **SECTION V.                   MANAGEMENT; STRUCTURE AND FUNCTION**

1     **A.**     The Appleyard Day Care, Inc. shall have sole authority and responsibility for managing the  
2     Appleyard Day Care, Inc. and related enterprise, in accordance with the policies, Statutes, Resolutions,  
3     regulations as approved by Tribal Council.

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5     **B.**     The Appleyard Day Care, Inc. shall abide by all tribal and federal laws and regulations as may be  
6     applicable.

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8     **C.**     It is the duty of the Appleyard Day Care, Inc. to monitor activities and operations to provide  
9     guidance to the management of the operations.

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11    **D.**     It is the duty of the Appleyard Day Care, Inc. to protect assets of the Tribe and generate revenues  
12    to support Tribal Governmental Services and Programs.

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15    **SECTION VI.           REPORTING TO TRIBAL COUNCIL**

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17           In order to regulate, the Appleyard Day Care, Inc. shall report to the Tribal Council on the  
18    following information regarding the Appleyard Day Care, Inc. and at the regularly scheduled Tribal  
19    Council Meetings or such special meetings as requested by the Tribal Council, at least quarterly or as  
20    requested:

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22           **A.**     Annual operating plan;

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24           **B.**     Financial performance measures;

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26           **C.**     Audits, whether internal or external;

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28           **D.**     Financial records or statements;

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30           **E.**     Tribal Council may request reports regarding all aspects of the Appleyard Day Care, Inc.

1     **SECTION VII.           FINANCING OF THE APPELYARD DAY CARE, INC. AND**  
2                                 **ACTIVITIES**

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4     **A.**     The annual budget for the Appleyard Day Care, Inc. shall be approved by Tribal Council in  
5 accordance with an approval process as designated by the Tribal Council.

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7     **B.**     Tribal Council approval is required for borrowing of funds. The Appleyard Day Care, Inc. is not  
8 authorized to enter into financing approval without prior ratification by the Tribal Council.

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11    **SECTION VIII.         DISSOLUTION CLAUSE**

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13             In the event that the property is no longer used to provide children's daycare services, the  
14 corporation shall be dissolved.

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17    **SECTION VIII.         SAVING CLAUSE**

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19             In the event that any phrase, provision, part, paragraph, subsection or section of this statute is  
20 found by a court of competent jurisdiction to violate the Constitution, laws, ordinances or statutes of the  
21 Little Traverse Bay Bands of Odawa Indians, such phrase, provision, part, paragraph, subsection or  
22 section shall be considered to stand alone and to be deleted from this statute, the entirety of the balance of  
23 the statute to remain in full and binding force and effect.

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26    **SECTION IX.          EFFECTIVE DATE**

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28             Effective upon signature of the Executive or thirty (30) days from Tribal Council approval  
29 whichever comes first or if the Executive vetoes the legislation, then upon Tribal Council override of the  
30 veto.

31                                 **CERTIFICATION**

Appleyard Day Care Incorporated Statute – posted to legislative calendar 09/27/13